

House File 2533

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HOUSE FILE 2533

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1 3 AN ACT
1 4 RELATING TO PROTECTIVE ORDERS AND COURT-APPROVED CONSENT
1 5 AGREEMENTS UNDER THE DOMESTIC ABUSE ACT.
1 6
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8
1 9 Section 1. Section 236.3A, subsection 1, Code 2003, is
1 10 amended to read as follows:
1 11 1. The department shall prescribe standard forms to be
1 12 used by plaintiffs seeking protective orders by proceeding pro
1 13 se in actions under this chapter. The standard forms shall
1 14 include language in fourteen-point boldface type, ~~with a box~~
~~1 15 which may be checked by the plaintiff, indicating that the~~
~~1 16 plaintiff wishes to proceed by filing an affidavit pursuant to~~
~~1 17 section 236.3, because the plaintiff does not have sufficient~~
~~1 18 funds to pay the cost of filing and service.~~ Standard forms
1 19 prescribed by the department shall be the exclusive forms used
1 20 by plaintiffs proceeding pro se, and may be used by other
1 21 plaintiffs. The department shall distribute the forms to the
1 22 clerks of the district courts.
1 23 Sec. 2. Section 236.8, Code 2003, is amended to read as
1 24 follows:
1 25 236.8 VIOLATION OF ORDER == CONTEMPT == PENALTIES ==
1 26 HEARINGS.
1 27 1. A person commits a simple misdemeanor or the court may
1 28 hold a person in contempt for a violation of an order or
1 29 court-approved consent agreement entered under this chapter,
~~1 30 including a violation of a valid foreign protective order~~
~~1 31 under section 236.19, subsection 3, for a violation of a~~
1 32 temporary or permanent protective order or order to vacate the
1 33 homestead under chapter 598, for a violation of any order that
1 34 establishes conditions of release or is a protective order or
1 35 sentencing order in a criminal prosecution arising from a
2 1 domestic abuse assault, or for a violation by an adult of a
2 2 protective order under chapter 232.
2 3 2. If convicted or held in contempt ~~for a violation the~~
2 4 defendant shall serve a jail sentence. Any jail sentence of
2 5 more than one day imposed under this section shall be served
2 6 on consecutive days. A defendant who is held in contempt or
2 7 convicted may be ordered by the court to pay the plaintiff's
2 8 attorney fees and court costs incurred in the proceedings
2 9 under this section.
2 10 3. A hearing in a contempt proceeding brought pursuant to
2 11 this section shall be held not less than five and not more
2 12 than fifteen days after the issuance of a rule to show cause,
2 13 as set by the court.
2 14 4. A person shall not be convicted of and held in contempt
2 15 for the same violation of an order or court-approved consent
2 16 agreement entered under this chapter ~~including the same~~
~~2 17 violation of a valid foreign protective order under section~~
~~2 18 236.19, subsection 3, for the same violation of a temporary or~~
2 19 permanent protective order or order to vacate the homestead
2 20 under chapter 598, for a violation of any order that
2 21 establishes conditions of release or is a protective order or
2 22 sentencing order in a criminal prosecution arising from a
2 23 domestic abuse assault, or for violation of a protective order
2 24 under chapter 232.
2 25 Sec. 3. Section 236.11, unnumbered paragraph 3, Code 2003,
2 26 is amended to read as follows:
2 27 If the magistrate finds probable cause, the magistrate
2 28 shall order the person to appear ~~either~~ before the court which
2 29 issued the original order or approved the consent agreement,
~~2 30 whichever was allegedly violated or before the court in the~~
~~2 31 jurisdiction where the alleged violation took place, at a~~
2 32 specified time not less than five days nor more than fifteen
2 33 days after the initial appearance under this section. The
2 34 magistrate shall cause the original court to be notified of
2 35 the contents of the magistrate's order.

CHRISTOPHER C. RANTS
Speaker of the House

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JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2533, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor